



Westfield–Washington Township Board of Zoning Appeals (BZA)
Minutes of the May 11, 2021 BZA Meeting
Presented for approval: June 8, 2021

The Westfield-Washington Township Board of Zoning Appeals (BZA)
met both in-person and virtually at 7:00 p.m. on Tuesday, May 11, 2021.

OPENING OF MEETING: 7:00 PM

ROLL CALL No Audio for Roll Call/Attendance

Present In-Person: Jeff Boller, Jeannine Fortier, Ken Kingshill, Victor McCarty, and Dave Schmitz.

Present Virtually: All present in-person.

Absent: All present.

City Staff Present: Kevin Todd, Director; Pam Howard, Senior Planner; and Caleb Ernest, Associate Planner.

Legal Counsel Present: Beth Copeland with Taft Stettinius & Hollister LLP.

AMENDMENT TO THE OF BZA RULES AND PROCEDURES

Copeland overview the two updates:

- Article 9, Conduct of Hearings, 1b: Clarification of the requirement of administering Oaths.
- Article 10, Notice, Sub-section 7: Definition of required timing of Notices and the timing of those.

She said that all necessary bodies had reviewed these proposed changes.

Schmitz motioned to adopt the Amendment as presented.

McCarty seconded. Motion passed. Vote 4-1. (Kingshill)

APPROVAL OF MINUTES

Kingshill motioned to approve the March 9, 2021 Minutes.

Fortier seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Howard reviewed BZA rules and procedures.

ITEMS OF BUSINESS:

2105-SE-01 &

2105-VS-12

[PUBLIC HEARING]

17319 Joliet Road

The Chris Center

The Petitioner requests a Special Exception to permit an Agritourism Use and a Variance of Development Standard to exempt the Development Plan Requirement for a proposed Agritourism Facility on 6.62 acres +/- in the AG-SF1: Agriculture/Single-family Rural District (Articles 4.2(J) and 13.2)

(Planner: Pam Howard – phoward@westfield.in.gov)

Howard overviewed this request to permit an Agritourism Use and a Variance of Development Standard. She said that four public comments had been received and provided to the BZA Board.

Nancy Elbert and Martin Beckner, the Petitioners, summarized the details of this proposal for a Care Farm designed to assist teens with mental health challenges and overall wellness. Elbert gave a background of her experience and an overview of her professional partners. Beckner addressed his partnership with this

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proposal and the shared vision of the Petitioners. He said that the Chris Center would be more like a hobby farm specializing in agricultural education and wellness. He added that the animals would be very limited in numbers and suited for this use. He said that the Center would not be open to the public but would be a private education institution.

Kingshill asked how many animals would the Petitioner have.

- The Petitioner responded that would depend on the type of animal, but that they would be permitted more animals if they had just an agricultural use/designation.

Beckner said the immediate neighbors had not submitted any objections.

Howard clarified the application packet that was uploaded to the BZA agenda contained the exhibit the Petitioner referenced along with supplemental exhibits which included a larger description of the proposed use. She added that the special exception, if approved as written currently, would also encompass those items. The Board could further limit those specifics that were currently written, the staff report would tie the business of the nonprofit to the entire exhibit.

Kingshill asked why this was being called agritourism, as it sounded like education.

Howard and Todd said that there was not a use that encompassed all that the Petitioner was requesting, categorizing it as Education would also require a variance and could create issues with some of the elements of the proposed use. Additionally, the proposed use fits the first portion of the Agritourism definition, it just doesn't fall into one of the example uses provided in the definition.

Schmitz suggested limiting the scope of the request.

Todd agreed with Schmitz.

Public Hearing for 2105-SE-01 & 2105-VS-12 opened at 7:37 p.m.

Ginny Kelleher, 3920 W. 166th Street; said that there was a desire for the organization to come to Westfield; however, there was a need for more restrictive conditions. She said she wanted time to work with the neighbors and come up with appropriate conditions. She said she had submitted a letter to the Board.

Public Hearing for 2105-SE-01 & 2105-VS-12 closed at 7:41 p.m.

Petitioner's responses:

- Elbert said that she had a lot of those questions answered, but didn't realize they would need to have a full business plan at that time.
- Elbert said that she wanted to get the barn built so they could get started.

Kingshill asked if a 30-day delay would be an issue.

Petitioner's responses:

- Elbert said that she thought that a 30-day delay was a good idea, and that she could share the strategic plan.
- Beckner, the Petitioner's legal counsel, stated that they need to close on the property by June 1, 2021.

Schmitz said he thought that the proposal needed to be nailed down more as the approval would run with the land and the Board wanted to ensure that it isn't too broad.

McCarty said that he respected the mission of the project. He added that he would like to see it located in the Westfield community but thought that the plan needed to be nailed down more.

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Fortier said she would like to see the Petitioner collaborate with the neighbors and further clarify the use.

Boller agreed that the proposal was too broad in scope and needed further refinement since it would run with the land. He said he was completely behind what the Petitioner wanted to do with this project.

Schmitz motioned to table 2105-SE-01 & 2105-VS-12 until the next BZA meeting.

- Copeland said that if the Petitioner requested the continuance then they would not need to re-notice.

Schmitz withdrew the motion to table 2105-SE-01 & 2105-VS-12.

Beckner asked what the Board what exactly the board wanted the Petitioner to do in the next month.

- Schmitz responded that the board would like the Petitioner meet with the neighbors and discuss nailing down conditions.

The Petitioner requested a continuance.

2105-VS-13
[PUBLIC HEARING]

E 169th Street OI Building

Patch Development, LLC

The Petitioner requests Variances of Development Standard to encroach fifty (50) feet into the one hundred (100) foot Minimum Front Yard Setback, to encroach twenty (20) feet into the forty (40) foot Minimum Rear Yard Setback, to not require building offsets and to utilize split-face concrete block in-lieu of Masonry Materials on 5.85 acres +/- in OI: Open Industrial District (Articles 4.25(E)(1)(a), 4.25(E)(3), 6.3(G)(2)(a)(i) and 6.3(G)(2)(a)(ii)).

(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Howard overviewed this request for a Variance of Development Standard. She said Staff had received one comment that was made available to board members.

The Petitioner, Andrew Greenwood with Patch Development, summarized the details of this request. He said that irregular shaped parcel would be an infill project. He said the setbacks would be consistent with existing buildings in the area, and that they would like to remove the architectural offsets requirements and use split face block in lieu of Masonry Materials.

Kingshill asked about the material that would be used.

- The Petitioner replied that it would be split face concrete block which is not considered masonry in the UDO.

Kingshill asked about the offset requirement.

Todd read the associated UDO standard.

Boller asked the Petitioner if they had any users.

- Pat Chittenden with Patch Development replied that they were working with Dyna-Fog as that business needs to relocate.

McCarty asked if there would be outdoor storage.

- The Petitioner responded that the parcel was one of the last remaining OI zoned areas. He added that if someone needed outdoor storage, it would go in the northwest area. He said that no current users would utilize outdoor storage.

Todd addressed outdoor storage standards.

Public Hearing for 2105-VS-13 opened at 8:06 p.m.

No public comments.

Public Hearing for 2105-VS-13 closed at 8:08 p.m.

Kingshill presented some background about the purpose of the offset requirement. He said that it included other architectural features and that maybe that there was a need to revisit that point in the UDO.

Schmitz motioned to approve 2105-VS-13 with the following Staff conditions:

- That the Property be developed in substantial compliance with the Site Plan (Exhibit 3) and consistently with the illustrated character exhibits (Exhibit 5).
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2105-VS-13.

Fortier seconded. Motion passed. Vote 5-0.

2105-VS-14
[PUBLIC HEARING]

NWC 175th Street & Wheeler Road 1:21

City of Westfield

The Petitioner requests a Variance of Development Standard to permit an Electronic Sign in the Right-of-way of the Monon Trail at the SR 32 Trailhead (Article 6.17)

(Planner: Kevin Todd – ktodd@westfield.in.gov)

Todd overviewed this request for a Variance of Development Standard.

Christopher Larsen, Director of IT for the City of Westfield, summarized the details of the kiosk. He said it would electronically deliver City information to trail users and public safety, including the use of cameras and phones for emergency use. He said that the screen will dim at certain times.

Public Hearing for 2105-VS-14 opened at 8:19 p.m.

No public comments.

Public Hearing for 2105-VS-14 closed at 8:20 p.m.

Kingshill asked if there are moving pictures of if it was static

- Larsen replied that they would be mostly static; however, one area could be a scrolling information bar. He added that the City had a partnership with Hamilton County Tourism to provide visitor activities and information to trail users.

Boller mentioned the one in Village Farms

Kingshill asked how it the screen would be oriented

- Larsen replied that screen would face northeast toward the trail.

Boller asked if there would be seating or other things around it like the one on Greyhound Pass that served as screening.

- Larsen replied that it was largely open due to traffic site lines. He said there were benches there. He added that this was not a bright light due to visibility, and that the one at Greyhound may be changed out in the future.

McCarty asked about operating system

- Larsen replied it was Android based and was customizable.

Fortier asked if there was an AED included.

- Larsen replied there was no AED at this time, but that was that was a future goal along with the possibility of including a first aid kit.

Kingshill motioned to approve 2105-VS-14.

Boller seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2105-VS-14.

McCarty seconded. Motion passed. Vote 5-0.

2105-VS-15
[PUBLIC HEARING]

525 David Brown Drive

Tom Roush, Inc.

The Petitioner requests a Variance of Development Standard from the Architectural Standards to permit refacing on an existing Auto Dealership on 8 acres +/- in the GB-PD: General Business/Planned Development District and US Highway 31 Overlay District (Article 6.3(F)).

(Planner: Pam Howard – phoward@westfield.in.gov)

Howard overviewed this request for a Variance of Development Standard. She said that Staff had received no comments regarding this request.

The Petitioner, Jeff Roush with Tom Roush, summarized the details of this request to exempt the masonry standard listed in the UDO. He explained the remodel was a branding exercise with required manufacturer standards from Mazda.

Schmitz asked about the materials that would be used.

- The Petitioner's architect Mike Balay, with Balay Architects, displayed and explained the drawings of the proposed materials. He said that the materials would be metallic with different colors.

Public Hearing for 2105-VS-15 opened at 8:26 p.m.

No public comments.

Public Hearing for 2105-VS-15 closed at 8:28 p.m.

McCarty motioned to approve 2105-VS-15 with the following Staff conditions:

- That the Variance only applies to the improvements being reviewed under Improvement Location Permit 21-CRM-009-562.
- That the Building be constructed in substantial compliance with the Proposed Elevations (Exhibit 4).
- That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Boller seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2105-VS-15.

Fortier seconded. Motion passed. Vote 5-0.

2105-VS-17
[PUBLIC HEARING]

1820 Bastian Court

Circle City Lighting, Inc.

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The Petitioner requests Variances of Development Standard to modify Circulation Sign Standards from two (2) square feet of Sign Area to sixteen (16) square feet double-sided as well as the Maximum Sign Height for Circulation Signs from three (3) feet to five (5) feet six (6) inches on 20 acres +/- in the Northpoint PUD District (Article 6.17(H)(3)(a) and (b)).
(Planner: Caleb Ernest – cernest@westfield.in.gov)

Ernest overviewed this request for Variances of Development Standard. He said that Staff had received no comments regarding this request.

The Petitioner, Bryan Durr with Circle City Lighting, summarized the details of this request for the monument sign.

Kingshill confirmed that this area would only be traveled by visitors of Northpoint and not the general public.

McCarty asked if the sign would be lit.

The Petitioner replied the sign would not be lit.

Public Hearing for 2105-VS-17 opened at 8:320 p.m.

No public comments.

Public Hearing for 2105-VS-17 closed at 8:33 p.m.

Kingshill motioned to approve 2105-VS-17 with the following Staff conditions:

1. That the approval of this Variance shall only apply to the Property as shown on Exhibit 4.
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Fortier seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2105-VS-17.

Fortier seconded. Motion passed. Vote 5-0.

2105-VS-18
[PUBLIC HEARING]

18843 Abigail Drive
Kurt and Patricia Lang

The Petitioners request a Variance of Development Standard to encroach three and one half (3.5) feet into the seven and one half (7.5) foot Side Yard Setback on 0.23 acres +/- in the Andover North PUD District (Ord. 06-12, Section 7(A)).
(Planner: Caleb Ernest – cernest@westfield.in.gov)

Ernest overviewed this request for a Variance of Development Standard. He said staff had received an approval letter from the HOA, otherwise no other comments had been received.

The Petitioner, Patricia Lang, summarized the need for the variance for the addition of a sunroom. She said the plan had been approved by the HOA.

Public Hearing for 2105-VS-18 opened at 8:39 p.m.

No public comments.

Public Hearing for 2105-VS-18 closed at 8:41 p.m.

Kingshill motioned to approve 2105-VS-18 with the following Staff conditions:

1. That the approval of this Variance shall only apply to the north Side Yard Setback.
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2105-VS-18.

Fortier seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING

NONE

REPORTS/COMMENTS:

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Fortier motioned to adjourn the meeting.

McCarty seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:45 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director